

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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GENERAL PERMIT

KLEHINI RIVER EQUIPMENT CROSSINGS

Fish Habitat Permits # FH06-I-GP-0001 and 0002

Park Use Permit # SEP-0609

Land Use Permit

TSIRKU RIVER VEHICLE & EQUIPMENT CROSSING TSIRKU RIVER BRIDGE INSTALLATION & REMOVAL

Fish Habitat Permit # FH06-I-GP-0003

Park Use Permit # SEP-0610

ISSUED: June 27, 2006

EXPIRES: June 27, 2011

General Public:

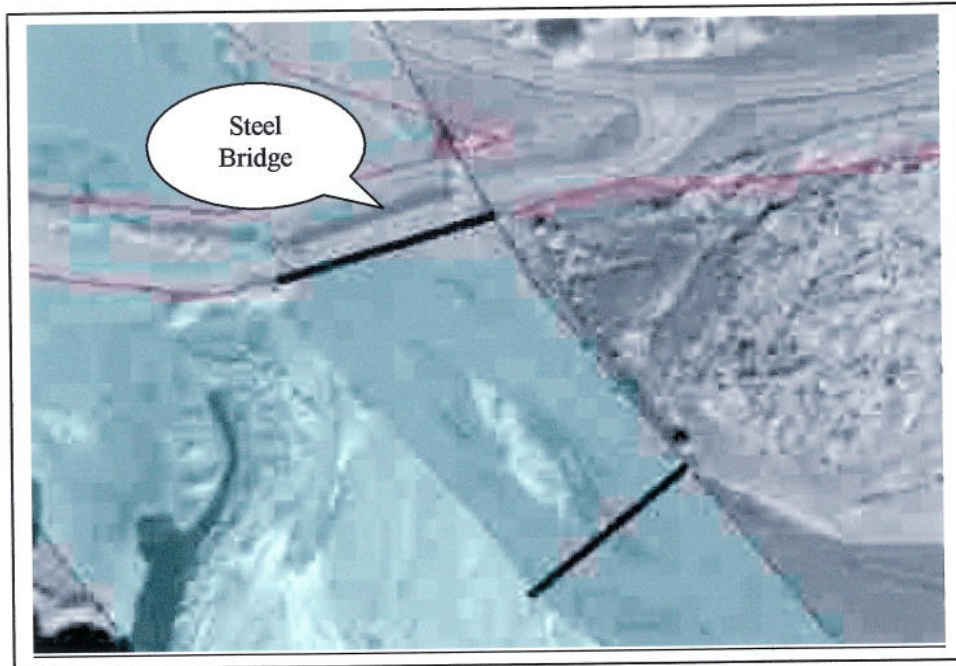
RE: Established Klehini River Equipment Crossings

- Mile 26 Haines Highway, below the Steel Bridge, Sec 26, T. 28 S., R. 55 E., CRM
- Mile 34 Haines Highway, Porcupine Spur Road, Secs 21 and 22, T. 28 S., R. 53 E., CRM

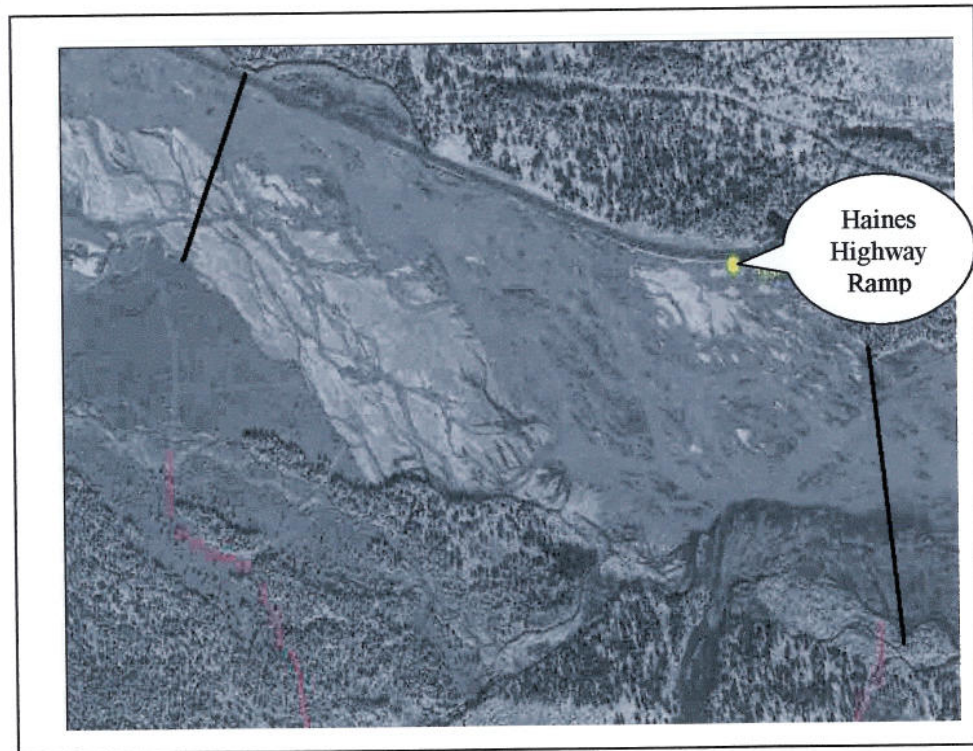
Established Tsirku River Vehicle & Equipment Crossing, Sec 11, T. 28 S., R. 56 E., CRM

The State Legislature created the Alaska Chilkat Bald Eagle Preserve in 1982 under AS 41.21.610. The legislature recognized the resource lifestyle of the Haines community and provided for access to traditional areas using motorized vehicles. A person taking equipment across Preserve lands is required to have a Park Use Permit per 11 AAC 18.010.

There are two established Klehini River equipment crossing locations for equipment used in mining and forestry operations. One is at Haines Highway Mile 26 below the Steel Bridge and within the Alaska Chilkat Bald Eagle Preserve. The other is at Haines Highway Mile 34 at the Porcupine Spur Road on State owned lands. A person taking equipment across State lands may be required to have a land use permit per AS 38.05.850 and 11 AAC 96.



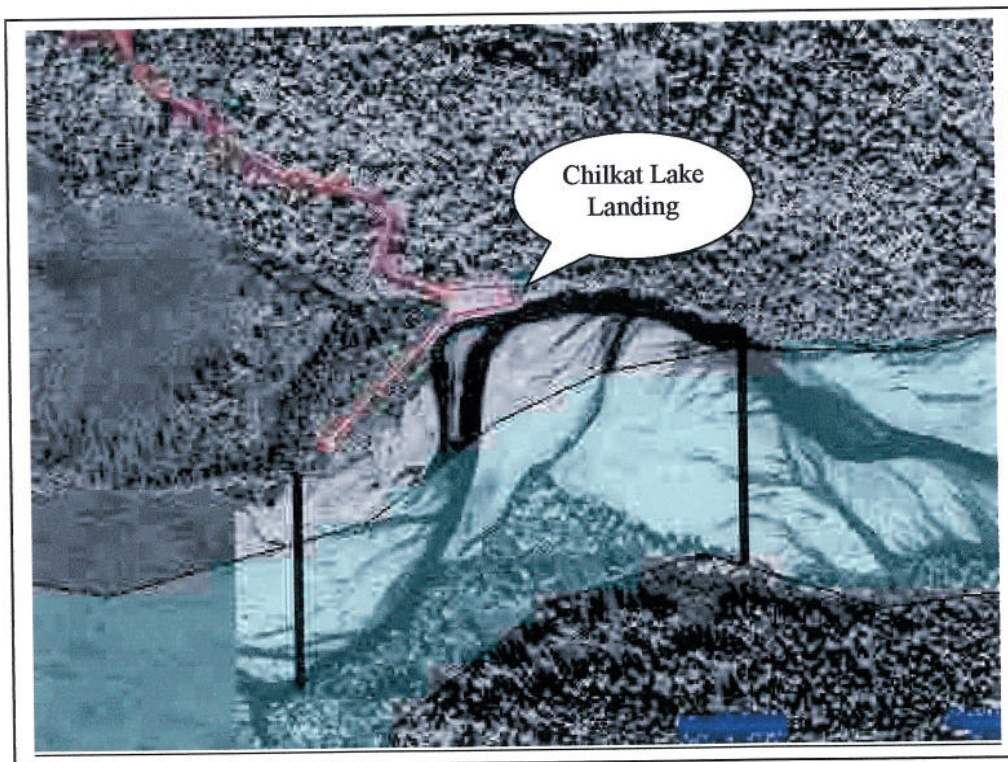
Approved Klehini River crossing at Haines Highway Mile 26, below the Steel Bridge.



Approved Klehini River crossing at Haines Highway Mile 34, at the Porcupine Spur Road

The Klehini River, anadromous stream #115-32-10250-2077, is important for the spawning, rearing, or migration of anadromous fish pursuant to AS 41.14.870(a). Coho, king, and chum salmon and Dolly Varden char transit this portion of the waterbody and spawn upstream. Spawning typically begins in August and continues through the end of October. Eggs hatch into free-swimming fry as early as March and migrate downstream through mid-June. King and coho smolt migrate downstream through this area April through mid-June. A person taking equipment across the Klehini River is required to have a fish habitat permit per AS 41.14.870(b).

There is one established Tsirku River vehicle and equipment crossing at the Chilkat Lake Landing. During the winter, members of the public install a temporary bridge across the active channel after freeze-up. The temporary bridge is removed and stored at an upland location prior to spring thaw. After the spring thaw, vehicles drive onto the riverbed to launch boats.



Approved Tsirku River crossing and winter bridge at Chilkat Lake Landing

The Tsirku River, anadromous stream #115-32-10250-2067, is important for the spawning, rearing, or migration of anadromous fish pursuant to AS 41.14.870(a). Sockeye, coho and chum salmon, Dolly Varden char and cutthroat trout transit this portion of the waterbody and spawn upstream in Chilkat Lake and the Little Salmon River between August and the end of October. Eggs hatch into free-swimming fry as early as March and migrate downstream through mid-June. Coho smolt migrate downstream through this area April through mid-June. A person taking vehicles or equipment across the Tsirku River is required to have a fish habitat permit per AS 41.14.870.

Staff from the Alaska Department of Natural Resources Office of Habitat Management and Permitting (OHMP), Division of Parks and Outdoor Recreation (DPOR) and Division of Mining, Land and Water (DMLW) reviewed historical Klehini and Tsirku River vehicle and equipment crossing Fish Habitat, Special Area, and Land Use Permits. We determined that a General Permit for established Klehini River equipment crossings and Tsirku River vehicle and equipment crossings serves the public interest and protects fish and wildlife.

Vehicle and equipment crossings, and the installation and removal of temporary bridges, are activities that are consistent with the Alaska Coastal Management Program under General Consistent Determinations GCD-5, *Equipment Crossing of Streams*, and GCD-7, *Culvert and Bridge Installation*, when conducted according to the standard alternative measures (11 AAC 110.730). However, without a General Permit, an individual wishing to take equipment across a stream or install a bridge would still need to acquire individual permits from OHMP, DPOR and DMLW.

This General Permit, found consistent with the Alaska Coastal Management Program on June 13, 2006, relieves the public from having to obtain an individual Fish Habitat, Park Use or Land Use Permit. An individual who crosses the rivers agrees to comply with the conditions and terms of this General Permit.

Conditions

1. Cross the stream from bank to bank perpendicular to the direction of the stream flow.
2. Cross the stream at locations with gradually sloping streambanks.
3. Do not alter the streambanks or streambeds.
4. Do not refuel equipment within 100 feet of the stream.
5. Install and maintain the winter bridge to accommodate fish passage upstream and downstream.

In accordance with AS 41.14.870(d), 11 AAC 18.010, AS 38.05.850, 11 AAC 96 and 11 AAC 110, a member of the public qualifies to use this General Permit after making telephone contact with *both agencies* listed under each crossing:

Established Klehini River Crossing at Mile 26

- Habitat Biologist, Office of Habitat Management and Permitting, (907) 465-4105
- Park Ranger, Division of Parks and Outdoor Recreation, (907) 766-2292

Established Klehini River Crossing at Mile 34

- Habitat Biologist, Office of Habitat Management and Permitting, (907) 465-4105
- Natural Resource Manager, Division of Mining, Land and Water, (907) 465-3400

Established Tsirku River Crossing at Chilkat Lake Landing (no contact necessary for boat launching and snowmobile use of winter bridge)

- Habitat Biologist, Office of Habitat Management and Permitting, (907) 465-4105
- Park Ranger, Division of Parks and Outdoor Recreation, (907) 766-2292

Fish Habitat, Park Use and Land Use Permit Terms

This letter constitutes a permit issued under the authority of AS 41.14.870, 11 AAC 18.010 and AS 38.05.850. The General Permit authorizes equipment and vehicle crossings at specified locations on the Klehini and Tsirku Rivers, and the installation and removal of a winter bridge on the Tsirku River.

This General Permit does not authorize unattended vehicles on the floodplain.

This General Permit does not relieve a member of the public exercising the right to use this General Permit of its responsibility to secure other State, federal, or local permits. A member of the public exercising the right to use this General Permit is still required to comply with all other applicable laws.

This General Permit is not a property right, but a temporary authorization, revocable by the State. The General Permit may be terminated, in addition to any other penalties provided by law, if a member of the public exercising the right to use this General Permit fails to comply with the permit conditions and terms or applicable statutes and regulations.

A member of the public exercising the right to use this General Permit shall exercise diligence in protecting fish and wildlife resources, and protecting State and Park lands from surface damage in the area covered by, and used in connection with, this General Permit. The department reserves the right to inspect areas of activity authorized under this General Permit and require mitigation measures to correct any disruption to fish, wildlife and lands, if the disruption was a direct result of failure to comply with this General Permit or any applicable law.

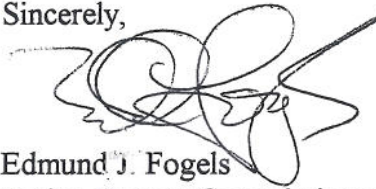
A member of the public exercising the right to use this General Permit shall remove all litter caused by their activities and shall make a reasonable effort to pick up and remove litter near the approved crossings.

A member of the public exercising the right to use this General Permit recognizes and understands that natural hazards are likely to exist within the area of operation. A person exercising their right to use this General Permit agrees to take all reasonable precautions to be aware of these hazards and to avoid injury to persons or property.

A member of the public exercising the right to use this General Permit shall indemnify, save harmless, and defend the State of Alaska, the department, its agents, and its employees from all claims, actions or liabilities for injuries or damages sustained by person or property arising directly or indirectly from permitted activities or performance under this General Permit.

This General Permit is subject to all valid claims and applicable laws and regulations. The public may appeal this General Permit decision in accordance with the provisions of AS 44.62.330-630.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edmund J. Fogels', with a long horizontal stroke extending to the right.

Edmund J. Fogels
Acting Deputy Commissioner

Email Cc:

Al Ott, DNR/OHMP, Fairbanks
Jackie Timothy, DNR/OHMP, Juneau
Mike Eberhardt, DNR/DPOR, Juneau
Joel Telford, DNR/DPOR, Haines
Joe Donohue, DNR/OPMP, Juneau
Ed Collazzi, DNR/MLW, Juneau
Brady Scott, DNR/MLW, Juneau
Mark Fink, ADF&G, Anchorage
Roy Josephson, DNR/DOF, Haines
Randy Ericksen, ADF&G, Haines
Randy Bachman, ADF&G, Haines
Scott Hansen, coastal district, Haines